IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 17271 of 2007(F)

PETITIONERS:

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1. M.SETHU MADHAVAN,
   S/O.MAYAN, AGED 55 YEARS, VALAMKODE,
   THEKKEPOTTA P.O., PUDUKODE, PALAKKAD DISTRICT.

2. SMT.SASIKALA,
   W/O.SETHU MADHAVAN, VALAMKODE, THEKKEPOTTA (PO),
   PUDUKODE, PALAKKAD DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS
SMT.M.M.DEEPA

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
   PALAKKAD DISTRICT.

2. THE TAHSILDAR,
   ALATHUR TALUK, PALAKKAD DISTRICT.

3. STATE OF KERALA, REPRESENTED BY
   PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.17271 OF 2007

DATED THIS THE 6th DAY OF JUNE, 2007

JUDGMENT

The petitioners challenge Ext.P3 order of the 1st respondent, whereby assignment in favour of the petitioners under the Kerala Land Conservancy Act has been cancelled on the ground that the petitioners are actually the relatives of the declarant from whom the land has been taken as excess land and the petitioners are found possessing other properties which disentitles them from assignment under the Kerala Land Reforms Act. The fact that the petitioners have other properties is evident from the writ petition itself since the petitioners themselves offer to exchange some other property belonging to them for the land in question. The assignment under the Land Conservancy Act of excess land taken over is intended for the benefit of landless people. That being so, the petitioners are clearly disentitled to the assignment. Therefore, I do not find any merit in the challenge against Ext.P3 and accordingly, the writ petition is dismissed.

S. SIRI JAGAN, JUDGE

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